

# Exhibit “W” to Amended Verified Petition

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Orange County Soils District Fees - Discussion

Chairman Kelly reviewed with the Board the Orange County Soils District's fee schedule. (copy on file). Attorney Hoyt explained to the Board that in the subdivision regulations is a mandatory review under the contents of downstream drainage and can be found on page 42. He also explained that if the Board is going to take a different look at the role for the Orange County Soils Service in the subdivision reviews, this section will have to be studied and modified. Attorney Hoyt explained that the Service will charge up to \$300 for up to 3 lots, \$350 for up to 10 lots, \$425 for up to 25 lots and \$575 for up to 50 lots. For that they will provide the review that they have been doing free of charge. The review is primarily in three areas; soils, erosion and sedimentation and surface drainage. Attorney Hoyt explained that the existing subdivision fees are \$150 for 2 lots, \$775 for 3 lots, \$900 for 4, \$1025 for 5 and \$125 for each additional lot. Attorney Hoyt advised the Board that the fee schedule in existence can be amended by Resolution. Chairman Schmoll asked if the service had to be used for every subdivision that came before the Board or if it could be used on a as needed basis in problem areas. Chairman Kelly answered that the service could be used either way but that many times the Board does not know if they have a problem area. Places that have been dry originally thought to be dry the last few years suddenly are quite wet. Attorney Hoyt explained that it is in the regulations as downstream drainage report and everything in the regulations are subject to waivers being granted by the Planning Board. Councilman Valk stated that he felt it was a good check and balance system with hands on on-sight inspections. Mr. Garling stated that he can modify the regulations to reflect Clough Harbor's recommendations for stormwater management and also incorporate the the use of the Orange County Soils District Service. Mr. Garling will prepare a draft of these modifications for the Board's review.

✓ Mehlon Mining - SEU Permit Application - SEQRA Classification

Chairman Kelly reviewed with the Board a letter to Richard Hoyt from Joseph Carfizzi, dated June 30, 1989 regarding the Town of Newburgh/Town of Montgomery boundary (copy on file). The Chairman also reviewed with the Board a letter to Mr. Haecker of the New York City Office of Water Supply requesting an opinion of the weight limit on the aquaduct. Board Member Trapini questioned if the Town had any weight limit restrictions on the roads. Attorney Hoyt advised the Board that the Town does not have any weight restrictions except for about 8 roads in the vicinity of Route 84. Attorney Hoyt advised the Board that the size of the area to be disturbed alone the regulations would require the project to be deemed Type I. Attorney Hoyt will prepare a letter to the applicant requesting them to address areas of concern, such as, blasting, dust, hours of operation, weight limits, the aquaduct crossing, etc.

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Mehlon Mining (cont'd)

Attorney Hoyt advised the Board that with respect to the boundary dispute the Town of Newburgh has not officially notified the Town of Montgomery that they have a problem with the boundary. A motion to deem this project a Type I action was made by Board Member Mills and seconded by Board Member Seacord. All in Favor All Ayes - Motion Carried.

Crist Brothers Orchards - SEU Permit - Final Order

Chairman Kelly reviewed the Final Order with the Board. A motion to approve the Final Order, as prepared by the Attorney, was made by Board Member Trapini and seconded by Board Member Zwart. All in Favor - All Ayes - Motion Carried.

River Valley Associates Subdivision - Phase II - Extension

Chairman Kelly reviewed with the Board a letter from John Copella requesting a 90 day extension for final approval. A motion to grant the 90 day extension was made by Board Member Schmoll and seconded by Board Member Mills. All in Favor - All Ayes - Motion Carried.

Paraco Gas - SEU Permit Application - Scheduling of Public Hearing

Chairman Kelly asked Board Member Trapini his feelings on this application. Board Member Trapini stated that it concerns him as a fireman. He also feels that it would increase the vehicles of that type on the road, which in themselves is dangerous. Mr. Trapini stated although the applicants have appeased all the requirements, at least as far as the fire company goes, he does not know what degree of expertise the firemen have as volunteers of the Community to determine what is safe. The Board held a lengthy discussion on what the radius of notification should be. It was determined that all residents within 2,500 feet be notified and that also an ad be placed in the paper so that all residents would be made aware of the Public Hearing. Board Member Schmoll suggested that an outside firm be contacted for their guidance and expertise. Chairman Kelly asked Board Member Trapini to check and see if he could contact someone who could be of assistance to the Board for this project. It was the Board's determination to schedule this application for Public Hearing on July 31, 1989 at 7:30PM.